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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,588	12/31/2003	Thomas Jay Wells		2130

7590 03/10/2005  
Thomas Jay Wells  
5036 North Albany Avenue  
Chicago, IL 60625

EXAMINER

NGUYEN, VINCENT Q

ART UNIT PAPER NUMBER

2858

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/750,588	WELLS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vincent Q. Nguyen	2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/31/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 2, it is unclear what is meant by semiconductors (Semiconductors are plural) and optical devices (Optical devices are plural).

Does Applicant mean the diodes? (There's only one diode).

What is meant by optical devices? Does Applicant mean vacuum tubes? (There's only one tube). In addition, the optical devices are confusing since optical device is a device for producing or controlling light.

For the purpose of examination, the examiner assumes that the semiconductors were inadvertently added into the claim and the optical device (The device is assumed to be singular) was intended to recite the vacuum tube.

Still refers to claim 1, the phrase "may be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

For the purpose of examination, the examiner assumes any atmosphere voltage may be measured, informing users (Including anglers) to the presence of condition conducive in any environment including fish feeding.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell et al. (3,449,668).

Regarding claim 1, Blackwell et al. discloses a non-contact voltmeter comprising the amplifying circuit (Figure 5) containing a device (39, 40) selected from the group consisting of vacuum tubes, whereby atmospheric voltages "may be" measured, informing anglers (Pertinence to the discussion under the 112 rejection, users includes the anglers) to the presence of conditions conducive to the natural stimulation of fish feeding (As examiner discussed, the atmosphere may be use to the natural stimulation of fish feeding).

Regarding claim 2, Blackwell et al. discloses (Figure 5) an antenna (33), an earth ground (69), and a device selected from the group consisting of vacuum tubes (39, 40), arranged to directly measure atmospheric voltage (The or read on alternatively exclusive embodiments).

Regarding claim 3, Blackwell discloses a voltage-amplifying circuit (figure 5) consisting of a vacuum tube (39, 40) operated at substantially reduced cathode temperature and electron emission (The limitation is true for any prior art of vacuum tube include the vacuum tubes 39 and 40 of Blackwell), the sole path for electron communication between the control grid and return side of the circuit being provided by the specific environment to be measured (Any environment is specific environment to be measured).

Regarding claim 4, Blackwell disclose a voltmeter comprising a vacuum tube amplifying circuit (figure 5), with the vacuum tube (39, 40) operated at substantially reduced cathode temperature and electron emission, said circuit arranged to develop a voltage for indication by a meter (figure 2) (The or read on alternatively exclusive embodiments).

#### ***Contact information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Q. Nguyen whose telephone number is (571) 272-2234. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2858

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



March 5, 2005

Vincent Q. Nguyen  
Primary Examiner  
Art Unit 2858